

NOISE ORDINANCE TASK FORCE

August 10, 2021

Call to Order

Meeting of the Noise Ordinance Task Force held at 1901 S. Alamo, Room A & B WebEx was called to order at 2:04 pm by Facilitator Michael Uresti.

Roll Call by Supervisor Arturo Arredondo. Those in attendance include:

<u>Members</u>	<u>Non-Members</u>	
Gemma Kennedy	Michael Uresti	Danny Liguez
Patricia Garcia Duarte	Michael Shannon	Felix Ramirez
Marta Solomon	Arturo Arredondo	Jenny Ramirez
Steve Versteeg	Denise Hastings	Samantha Wickwire
Sam Aguirre	Ximena Copa Wiggins	Ashley Dacy
John Brenneman	Anisa Schell	Bianca Maldonado
Capt. Randall Smith	Parker Dixon	Margaret Leeds
Amin Tohmaz	Beau Anderson	David Uhler

Facilitator Michael Uresti opened meeting stating that the meeting notes are on line for review. There were requests for data information from San Antonio Police. He informed Task Force that they can go online to DSD website under Codes & Ordinances, then scroll down to Current Procedures and click on the Link to SAPD procedures. Once that is open go down to 605 Miscellaneous Offenses and Complaint Calls, then go to #8 Noise Disturbances to see the SAPD procedures for handling noise complaints.

Amin Tohmaz asked if SAPD could walk the Task Force members through their process

Capt. Smith states that it is up to dispatch because they have their own policies and procedures on how they file a call.

Amin – asked if the officer have to go back to the station if they need a noise meter. Also, if they get a reading that is high, what is the next step.

Capt. Smith- answered yes. They will have to go back to the station because there are not enough for the officers to carry one around with them. A call will go through dispatch to give to an officer to respond. If they need a noise meter they will go back to the station. If too high they will issue a verbal warning.

Gemma Kennedy - what are results of verbal warnings and how does SAPD keep track of calls that they go out to.

Capt. Smith – the GIS systems keeps track, and the vast majority of the calls are not for businesses; they are for apartment complexes. Calls are tracked by address. Again, if the officer needs a meter, they will return to the substation.

Jodie Bailey-Newman – added that sometimes an officer on the reported property will call and have a meter delivered to the address. That happens often. It is delivered by another officer from the same substation.

Steve Versteeg – asked if it is correct that an SAPD officer will never write a citation without a noise meter reading

Capt. Smith - There are different ordinances or different violations that may not require a noise meter. The officer will track what happened. That question was asked a couple of days ago about how many court cases they had in 2020. There were twenty to twenty-two cases with over 5,300 calls.

Savita Rai – as far as requiring a meter reading; as discussed earlier, that is not required. Highlight Section 21-52, which is the section that has been the most prosecuted by the city attorney's office and that does not require a meter reading.

Gemma – this is a very important section. When there are 5300 calls and the number of citations are only four to five a month, that is a very small number of citations for that many calls. It is amazing that out of all these calls to the police officer that they don't have go back with a meter

Jodie - added that sometimes the complainant is anonymous, and the police have no one to report to.

Capt. Smith – The officers do not call for service so if you want to have the officer to return to a call, it makes the call longer. Generally, the first contact gains compliance, voluntarily especially if it is a house party in a neighborhood.

Gemma – heard that police will drive by address and roll down their window to listen and then drive off, then the neighbors call again because noise is still going on.

Jodie – added that the majority of the time when there is one call, there can be multiple calls from neighbors at one time. Imagines that SAPD does have telephone numbers of those calling. The police respond and return 30 to 40 minutes later because of the number of calls.

Gemma – A lot of the violators are repeat offenders. How can they decrease the repeat offending? Some of the bars get multiple calls over and over again and they are not being compliant.

Jodie – Often a complainant has an issue with a particular address; it's happening in Tobin Hill and in South Town. They will have multiple people, some effected by the noise some not, all call the police. The police will show up and the bar will come into compliance, or the bar/restaurant is already in compliance. If there is no reason to escalate the call or if there is no complainant, they will not contact anyone.

Gemma – this sounds more like a dispatch issue and also the penalties that go along with it. If they don't get a penalty, then many of the offenders will continue.

Capt. Smith – Dispatch has call categories and different priorities. Noise is a low priority call. Dispatch prioritizes the calls and dispatches them accordingly

Dawn Larios – how quickly does SAPD have to submit the information from his report which is electronic and have that information go to dispatch

Capt. Smith – Multiple calls that are duplicates are not tracked. That may be something to look into in the future.

Sam Aguirre – This is indicative of a weakness in the ordinance. There are practical limitations on what the police can do other than issue citations. To be able to shut down the noise or shut down the business for non-compliance should be a remedy. More than just the police department should be authorized to enforce the noise ordinance. Noise versus more serious crimes is going to take a lower priority. There needs to be noise enforcement officers, whether they are police or some other organization.

Dawn – The SAPD officers are stretched thin and agrees that there should be another division controlling the noise ordinance calls. Would prefer that the words "shut down" not be used. The bar and restaurant businesses have had such a difficult time during this pandemic. Try to resolve issues before using the word shutdown. Especially is SAPD and Code Enforcement approach these establishments and find that they are within range, and they should not be cited.

Sam – There does need to be remedy in place at some point since some businesses are violating the noise ordinance continuously. The goal is not to shut down business, but to terminate the nuisance.

Jodie – In tracking the noise complaints, SAPD does make multiple reports on the addresses. There can be multiple report numbers in one night. Secondly, can there be a portion of the noise ordinance that addresses specific neighbors that have issues with specific addresses; in something like a community meeting/discussion mediation type of setting that be part of the process.

Savita – the task force is talking about having the noise nuisance declared as habitual or having the direct them to Section 21-57 which is needs revising. Under 21-57, under enforcement, the police officers can go to the magistrate to get a warrant to enter the property and upon determination that

there is a noise nuisance, after there is evidence that there has been a conviction in the past can seize the noise making instrument. After there have been three convictions, the administrative hearing officer can determine that the property is a habitual noise nuisance and that allows for immediate seizure for any violations thereafter.

Marta Solomon – has had two personal experiences with noise complaints; one she made and one that was made against her dog barking. The one she made was on a tailgate party. It was resolved with one call to SAPD. They need to refine the ramifications of being a repeat offender.

Dawn – one of her members in the Texas Restaurant Association, San Antonio Chapter, has had so many calls due to one specific neighbor that makes numerous calls. This is a business owner that is trying stay in business during this time. It is the same person making numerous calls, so there is concern about using the word repeat offender.

Michael U – A repeat offender as far as code is concerned, has to actually be in violation at the time of inspection.

Amin - it is not the number of calls that make someone a repeat offender, it is the number of violations.

Jodie – the noise ordinance does have a lot of teeth. The question is how to you clarify the establishment of a repeat offender.

Savita – she and Felix have been looking at the standard that we moved to with the 2001 ordinance, it's the American National Standard Institute. They are still going through the process of it, however there may be an issue that they have to purchase a copy to get access to what the current decibels are. The most recent found was the one utilized in the 2001 ordinance. As soon as they get that information, it will be shared with the task force.

Michael U – the next issue is answering the question of where the Entertainment Districts are. A map was placed online showing the districts. The areas highlighted as Entertainment Districts are Fiesta Texas, Seaworld and Longhorn Quarry. There are not that many Entertainment Districts. There is a big difference between Arts and Entertainment District and an Entertainment District. Morgen's Wonderland is included in the Entertainment District.

Michael U – next segment is Section 21-54 Vehicular Mounted Sound Amplification Systems. There were two recommendations made for this section. The first concerns drag racing and the noise from that.

Capt. Smith – New legislation will allow the seizure of vehicles involved in drag racing. It will be difficult
Patricia Duarte – When they are drag racing, they are also doing tricks with their cars making screeching noises with their tires. Is that included in the section for the noise.

Savita – wanted to bring the task force back to the point of the CCR. She has made notes to address some of the issues at a later time, but the task that they are charged with is specifically related to businesses and noise.

Michael U – The second concern is the plainly audible definition used for residential and commercial

Savita – plainly audible was discussed in the third meeting. It has been researched and it would be legally non-feasible to use it. It provides too much subjectivity, and their recommendation is to stick with reasonable persons standard which is what the courts utilize. As far as allowable distances, that is something that can be looked at. A distance requirement at which the noise needs to be read at if using a meter or appears to annoy, distress, effects the quiet enjoyment of a person

Michael U – the next section is exceptions 21-55. It clearly states who gets the exception. There was a request to change amplified sound to “unamplified sound” at an event starting prior to 8:00 P.M.

Jodie – A lot of events go far past 8:00 pm; stadium events, parades that have been around for decades. To take the sound generated and turn it into unamplified sound would be unrealistic

Gemma – wanted to clarify that amplified sounds after 11:00 pm are still unacceptable

Jodie – The CCR was very specific about the assignment, and so members of the task force were placed specifically based on that assignment. Is there anyway to remove feedback from the task force that is not specifically targeted towards the task. Does not want to be part of a task force that says a Friday night football game cannot have amplified sound after 8:00 pm

Savita – That is one of the reasons why she reminds the task force that they are charged with the confines of the CCR. Would recommend from this point forward any proposed edits that are not related to the charge of the CCR would be noted and presented at some point to council.

Gemma – Recommends getting a reading from two locations, from the property and from the complainant’s property. This is because noise bounces around. It may be at 72 decibels at the business, but will be 63 at residential property which is too loud

Jodie – 70 decibels is allowed at a business and 63 is allowed at a residence

Savita – would like to clarify that for bars embedded in a neighborhood, the residential maximum may be 63, but for the bar it’s 70. So, we go with what is allowed for the bar the residential property. Some ordinances across the state and in the country provide a distance requirement from which a reading should be taken, or it could be that the reading can be taken at the location where the noise is coming from. There are national standards that are allowed by law. If you want everything to be at 63 in residential, then no construction can happen because of the noise

Dawn – Businesses that abut residential space and are zoning commercial and have every right to be there, they are within the guidelines. The businesses and establishments have received the proper permits from the City to have a certificate of occupancy, to be open. They received the green light from the City to be open and now there is another burden to be put on the businesses which will cost them their own money.

Gemma - it is not a burden; it is the quality-of-life issue.

Steve – He appreciates the fact that there is difficulty in legal but that is not why the task force was formed. They have problems in neighborhoods and that is why the task force was formed.

Amin – At the end of the day, 70 decibels is allowed at a business.

David Uhler – has a business in King William, Beethoven Hall, and he received six complaints in one night. He is trying to work with the community to be a good neighbor. If the bands at his business play too loud, they will not be invited back. He has also purchased his own noise meter to control the situation on his property.

Parker Dixon – not really happy with the way the call is going. There is little representation from the residential perspective. There are more people in homes being affected than business owners. Would like someone to justify having amplified DJ music adjacent to residential property. 63 decibels are still too loud. There needs to be a time cut off.

Bianca Maldonado – This is not to put anyone out of business, but it should make everyone aware of their surroundings. Need to track the noise call and data from SAPD. What was the result of research Michael Shannon was going to do to find out about council giving permit for loud music.

Amin – There is no mechanism in place that says council can issue permit to exceed the noise ordinance

Michael U – There will be two community meetings coming up, August 17 and August 31. The next task force meeting will be August 24, 2021

Meeting adjourned at 4:07 p.m.

